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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,312	07/12/2001	Sonja Eijsbouts	ACH2807US	1803
7590	03/24/2005		EXAMINER	
Louis A. Morris Akzo Nobel Inc. 7 Livingstone Avenue Dobbs Ferry, NY 10522-3408			LISH, PETER J	
			ART UNIT	PAPER NUMBER
			1754	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/904,312	EIJSBOUTS, SONJA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Peter J Lish	1754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 August 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 3-14 and 16-27 is/are pending in the application.
- 4a) Of the above claim(s) 16-24 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 4-14, 25-27 is/are rejected.
- 7) Claim(s) 3 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 4-14, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 07-289898.

JP '898 teaches using an inflammable carbonaceous material as a support for a catalyst. Paragraphs 37 and 38 teach that two Group VIA metals and a group V111 metal are supported for use in various hydrogenation reactions. Paragraph 37 also teaches that molybdenum and tungsten are most desirable as the Group VIA metals. Paragraph 56 teaches that hydrogen sulfide may be used to activate the catalyst or for preliminary sulfurization. Paragraph 44 also teaches the active metals in the catalyst in sulfide form. Paragraph 40 teaches that the various metal components may comprise up to 30% Group VIA metal and up to 50% Group VIII metal, totaling 80 wt. % of the combined metals.

A cellulose system is taught as the support. Paragraph 25 teaches various treatments that may be performed on the cellulose material, such as hydrogen treating or dry distillation, which are known to result in carbonization. The extent to which these treatments are carried out is not explicitly taught. However, it would have been obvious to one of ordinary skill at the time of invention to perform these treatments to the cellulosic material, as taught by JP '898, to an extent such that the carbon content of the cellulose may be raised to 70 wt. %, as doing so is well within the ability of one having ordinary skill in the art.

While it is not explicitly taught that the catalyst be inert under hydroprocessing conditions, it is expected that this be the case because no difference is seen between the catalyst compositions of JP '898 and those of the instantly claimed invention.

***Allowable Subject Matter***

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments, filed 8/20/04, with respect to the rejections over 35 U.S.C. 112, Soled et al., and Soled et al. in view of Sudhakar et al., have been fully considered and are persuasive. These rejections have been withdrawn.

Applicant's arguments, with respect to the rejections over JP '898 have been fully considered but they are not persuasive. The applicants argue that the carbon content of the support is taught to be less than 65 wt%, however, this is not the case. Rather, if coal is used as the support, than the carbon content of the coal is less than 65 wt%. However, no such limitation is taught regarding the use of cellulose as the binder. The applicants argue, regarding the use of cellulose, that the carbon content of cellulose is about 40 wt% and that no step of carbonization, which may raise the carbon percentage of the cellulose, is taught. However, it is seen that a process which would provide at least partial carbonization of the cellulose is taught by JP '898.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Lish whose telephone number is 571-272-1354. The examiner can normally be reached on 9:00-6:00 Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

PL



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